

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Corrections

Form Corrections Requested : 05/03/2011: Jilene, I am unlocking your form so you can make corrections per your e-mail request. **NLL Due Date:** 05/03/2011

Form Corrections Requested : 05/04/2011: 1) Jilene, as you requested, I have unlocked the record so that you can make corrections to the hearing information. **Due Date:** 05/05/2011

Agency Information

- Agency: Insurance - Administration
Room no.: 3110
Building: STATE OFFICE BLDG
Street address 1: 450 N MAIN ST
Street address 2:
City, state, zip: SALT LAKE CITY UT 84114-1201
Mailing address 1: PO BOX 146901
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 34768 Date filed: 05/02/2011 06:14 PM
State Admin Rule Filing Key: 151001
Utah Admin. Code ref. (R no.): R 590 - 203 -
Changed to Admin. Code ref. (R no.): - -

Title

- Title of rule or section (catchline):
Health Grievance Review Process and Disability Claims

Notice Type

- Type of notice: Amendment

Rule Purpose

- Purpose of the rule or reason for the change:

Purpose of the amendment is to incorporate changes as a result of adoption of a new appeals procedures for health benefit plans. The appeals process for health benefit plans is changing due to HB128 during the 2011 legislative session, and to adopt a review process that insurers are required to follow as a result of the Patient Protection and Affordability Act. Due to this change, the grievance review procedures for health benefit plans will differ to those currently required for health care insurance. To preserve the process for health care policies other than a health benefit

plan this rule is being revised to exclude health benefit plans, and a new rule, R590-261, is being adopted for health benefit plans. Additionally, the rule was reviewed and items identified for change including: adding a definition for urgent care claim and carrier; and updating the reference of insurer to carrier.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
No

Rule Summary

6. Summary of the rule or change:
To preserve the process for health care policies other than a health benefit plan this rule is being revised to exclude health benefit plans, and a new rule, R590-261, is being adopted for health benefit plans. The changes to this rule include: adding a definition for urgent care claim and carrier; and updating the reference of insurer to carrier.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:
- A) State budget:
Affected: No
The changes to this rule will have no effect on the department or state's budget or revenues, nor will it impact the workload of employees of the department.
- B) Local government:
Affected: No
Local government will not be affected since the rule relates solely to the relationship between the department and its licensees and the insureds of the insurer.
- C) Small businesses:
Affected: No
("small business" means a business employing fewer than 50 persons)
The changes to this rule should have no fiscal impact on any entity associated with this rule, including small or large businesses insurers or their licensees. Health benefit plans are being excluded from the rule, definitions are being changed and the reference to carriers is being changed to insurers.
- D) Persons other than small businesses, businesses, or local government entities:
Affected: No
("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)
The changes to this rule should have no fiscal impact on any entity associated with this rule, including small or large businesses insurers or their licensees. Health benefit plans are being excluded from the rule, definitions are being changed and the reference to carriers is being changed to insurers.

Compliance Cost Information

8. Compliance costs for affected persons:
The changes to this rule should have no fiscal impact on any entity associated with this rule, including small or large insurers or their insureds. Health benefit plans are being excluded from the rule, definitions are being changed and the reference to carriers is being changed to insurers.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
This rule will have no fiscal impact on businesses.
B) Name and title of department head commenting on the fiscal impacts:
Neal T. Gooch, Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

31A-4-116

31A-22-629

31A-2-201

31A-2-203

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page):</p> <p>Publisher:</p> <p>Date Issued:</p> <p>Issue, or version:</p> <p>ISBN Number:</p> <p>ISSN Number:</p> <p>Cost of Incorporated Reference:</p> <p>Adds, updates, removes:</p>
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Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

06/14/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

06/09/2011 09:00 AM State Office Building, 450 N State Street, Room 3112, Salt Lake City, UT

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 06/21/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- insurance

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:	Jilene Whitby Information Specialist	Date (mm/dd/yyyy): 05/02/2011
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